

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**Hedieh Badkoobehi,, M.D. )**

**Case No. 800-2015-013756**

**Physician's and Surgeon's )  
Certificate No. A 81155 )**

**Respondent )**  
\_\_\_\_\_)

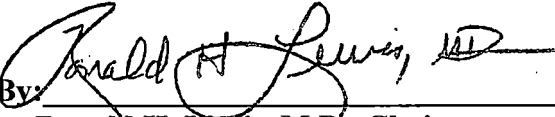
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on June 12, 2019.**

**IT IS SO ORDERED May 13, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
\_\_\_\_\_  
**Ronald H. Lewis, M.D., Chair  
Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 JOSEPH F. MCKENNA III  
Deputy Attorney General  
4 State Bar No. 231195  
600 West Broadway, Suite 1800  
5 San Diego, California 92101  
P.O. Box 85266  
6 San Diego, California 92186-5266  
Telephone: (619) 738-9417  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 8002015013756

14 **HEDIEH BADKOOBEHI, M.D.**  
15 **15611 Pomerado Road, Floor 4**  
**Poway, California 92064**

OAH No. 2018090175

16 **Physician's and Surgeon's Certificate**  
17 **No. A81155,**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18 Respondent.

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, and by Joseph F.  
25 McKenna III, Deputy Attorney General.

26 2. Respondent Hedieh Badkoobei, M.D., (Respondent) is represented in this  
27 proceeding by attorney Robert W. Frank, Esq., whose address is: 110 West A Street, Suite 1200,  
28 San Diego, California, 92101.

3. On or about November 15, 2002, the Board issued Physician's and Surgeon's Certificate No. A81155 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 8002015013756, and will expire on September 30, 2020, unless renewed.

## JURISDICTION

4. On May 4, 2018, Accusation No. 8002015013756 was filed before the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. On May 4, 2018, a true and correct copy of Accusation No. 8002015013756 and all other statutorily required documents were properly served on Respondent by certified mail at her address of record on file with the Board. Respondent filed her Notice of Defense contesting the Accusation on May 21, 2018. A true and correct copy of Accusation No. 8002015013756 is attached hereto as Exhibit A and incorporated herein by reference as if fully set forth herein.

## **ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 8002015013756. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in Accusation No. 8002015013756; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws, having been fully advised of same by her attorney of record, Robert W. Frank, Esq.

7. Having the benefit of counsel, Respondent hereby voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent does not contest that, at an administrative hearing, Complainant could  
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation  
4 No. 8002015013756, as more particularly described in paragraph 9, subparagraph (e), and  
5 paragraph 10, subparagraph (c), and that she has thereby subjected her Physician's and Surgeon's  
6 Certificate No. A81155 to disciplinary action.

7 9. Respondent agrees that if an accusation and/or petition to revoke probation is filed  
8 against her before the Medical Board of California, with respect to the charges and allegations  
9 contained in Accusation No. 8002015013756, as more particularly described in paragraph 9,  
10 subparagraph (e), and paragraph 10, subparagraph (c), shall be deemed true, correct and fully  
11 admitted by Respondent for purposes of any such proceeding.

12 **CONTINGENCY**

13 10. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the  
14 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
15 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
16 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
17 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully  
18 understands and agrees that she may not withdraw her agreement or seek to rescind this  
19 stipulation prior to the time the Board considers and acts upon it.

20 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null  
21 and void and not binding upon the parties unless approved and adopted by the Board, except for  
22 this paragraph, which shall remain in full force and effect. Respondent fully understands and  
23 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and  
24 Disciplinary Order, the Board may receive oral and written communications from its staff and/or  
25 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify  
26 the Board, any member thereof, and/or any other person from future participation in this or any  
27 other matter affecting or involving Respondent. In the event that the Board does not, in its  
28 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the

1 exception of this paragraph, it shall not become effective, shall be of no evidentiary value  
2 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party  
3 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order  
4 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any  
5 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this  
6 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

7 **ADDITIONAL PROVISIONS**

8 12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein  
9 to be an integrated writing representing the complete, final and exclusive embodiment of the  
10 agreements of the parties in the above-entitled matter.

11 13. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,  
12 including copies of the signatures of the parties, may be used in lieu of original documents and  
13 signatures and, further, that such copies shall have the same force and effect as originals.

14 14. In consideration of the foregoing admissions and stipulations, the parties agree the  
15 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter  
16 the following Disciplinary Order:

17 **DISCIPLINARY ORDER**

18 1. **PUBLIC REPRIMAND.**

19 IT IS HEREBY ORDERED that Respondent Hedieh Badkoobei, M.D., Physician's and  
20 Surgeon's Certificate No. A81155, shall be and is hereby Publicly Reprimanded pursuant to  
21 California Business and Professions Code section 2227, subdivision (a), subsection (4). This  
22 Public Reprimand, which is issued in connection with the allegation as set forth in Accusation  
23 No. 8002015013756, is as follows:

24 Respondent is publicly reprimanded for violating Business and Professions Code  
25 2266 in 2013 for failing to document in the June 25, 2013 chart note any additional  
26 information explaining the reason for the late entry.

27 ////

28 ////

1           2.    MEDICAL RECORDS KEEPING COURSE.

2           Within sixty (60) calendar days of the effective date of this Decision, Respondent shall  
3 enroll in a course in medical record keeping equivalent to the Medical Record Keeping Course  
4 offered by the Physician Assessment and Clinical Education Program, University of California,  
5 San Diego School of Medicine (Program), approved in advance by the Board or its designee.  
6 Respondent shall provide the program with any information and documents that the Program  
7 may deem pertinent. Respondent shall participate in and successfully complete the classroom  
8 component of the course not later than six (6) months after respondent's initial enrollment.  
9 Respondent shall successfully complete any other component of the course within one (1) year  
10 of enrollment. The medical record keeping course shall be at respondent's expense and shall  
11 be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

12           A medical record keeping course taken after the acts that gave rise to the charges in  
13 Accusation No. 8002015013756, but prior to the effective date of the Decision may, in the sole  
14 discretion of the Board or its designee, be accepted towards the fulfillment of this condition if  
15 the course would have been approved by the Board or its designee had the course been taken after  
16 the effective date of this Decision.

17           Respondent shall submit a certification of successful completion to the Board or its  
18 designee not later than fifteen (15) calendar days after successfully completing the course, or not  
19 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

20           3.    FAILURE TO COMPLY.

21           Any failure by Respondent to comply with the terms and conditions of the  
22 Disciplinary Order set forth above shall constitute unprofessional conduct and grounds for  
23 further disciplinary action.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
3 discussed it with my attorney, Robert W. Frank, Esq. I understand the stipulation and the effect it  
4 will have on my Physician's and Surgeon's Certificate No. A81155. I enter into this Stipulated  
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
6 bound by the Decision and Order of the Medical Board of California.

7  
8 DATED: 4/3/19

  
9 HEDIEH BADKOOBEHI, M.D.  
Respondent

10 I have read and fully discussed with Respondent Hedieh Badkoobehi, M.D., the terms and  
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
12 I approve its form and content.

13  
14 DATED: 4-4-19

  
15 ROBERT W. FRANK, ESQ.  
Attorney for Respondent

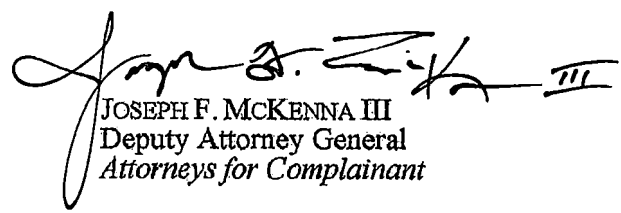
16  
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Medical Board of California.

20 Dated: April 5, 2019

Respectfully submitted,

21 XAVIER BECERRA  
22 Attorney General of California  
23 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

24   
25 JOSEPH F. MCKENNA III  
26 Deputy Attorney General  
Attorneys for Complainant

27 SD2018801029  
28 Doc.No.71805562

**Exhibit A**

**Accusation No. 8002015013756**



FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO May 4 2018  
BY D. Richards ANALYST

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 JOSEPH F. MCKENNA III  
Deputy Attorney General  
4 State Bar No. 231195  
600 West Broadway, Suite 1800  
5 San Diego, California 92101  
P.O. Box 85266  
6 San Diego, California 92186-5266  
Telephone: (619) 738-9417  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

10 BEFORE THE  
11 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2015-013756

14 **Hedieh Badkoobei, M.D.**  
15 **15611 Pomerado Road, Floor 4**  
**Poway, California 92064**

**A C C U S A T I O N**

16 **Physician's and Surgeon's Certificate**  
17 **No. A81155,**

Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
24 Affairs, and not otherwise.

25 2. On or about November 15, 2002, the Medical Board issued Physician's and Surgeon's  
26 Certificate No. A81155 to Hedieh Badkoobei, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges and  
28 allegations brought herein and will expire on September 30, 2018, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded which may include a requirement that the licensee complete relevant educational courses, or have such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"...

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"..."

6. Unprofessional conduct under section 2234 of the Code is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.).

7. Section 2266 of the Code states:

"The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 8. Respondent has subjected her Physician's and Surgeon's Certificate No. A81155 to  
4 disciplinary action under sections 2227 and 2234, as defined in section 2234, subdivision (c), of  
5 the Code, in that Respondent committed repeated negligent acts in her care and treatment of  
6 Patient A<sup>1</sup>, as more particularly alleged hereinafter:

7 9. **Patient A**

8 (a) On or about April 1, 2013, Patient A presented at MDtoday Urgent Care  
9 (MDtoday) clinic for evaluation of left lower leg pain. Patient A was seen  
10 by Physician Y.A. and was diagnosed with and treated for a gastrocnemius  
11 strain. His vital signs indicated that he was tachycardic and hypertensive  
12 but otherwise was asymptomatic. Patient A was given crutches along with  
13 instructions to return in two (2) weeks.

14 (b) On or about April 12, 2013, Patient A returned to MDtoday complaining  
15 of pain in his lower left leg. Patient A was seen by Physician L.J. Patient  
16 A's leg had developed redness and he was diagnosed with cellulitis. He  
17 was treated with oral antibiotics, oral analgesics, and an intramuscular  
18 injection of the antibiotic ceftriaxone. Patient A was instructed to return  
19 the following day for a second intramuscular injection.

20 (c) On or about April 13, 2013, Patient A returned to MDtoday for a second  
21 injection. Respondent saw Patient A to "sign off" on the injection and  
22 viewed his leg. The chart note for this visit only documented "cellulitis L  
23 foot/leg." The only other information that Respondent documented was  
24 that the patient received an injection and continued on oral medication,  
25 and that he was scheduled to return for a follow up visit in five (5) days.  
26 However, Patient A later testified in a deposition that his leg was very

27  
28 <sup>1</sup> Letter A is used for the purposes of maintaining patient confidentiality.

1 swollen, painful, red, black, and had blisters at this visit when he was seen  
2 by Respondent. Significantly, Respondent failed to take Patient A's vital  
3 signs or document that she had assessed him for any risk factors or  
4 comorbidities including, diabetes.

5 (d) On or about April 16, 2013, Patient A was admitted to a hospital and  
6 diagnosed with necrotizing fasciitis. He later received a below-the-knee  
7 amputation of his left leg.

8 (e) On or about June 25, 2013, a chart note was created which included  
9 significantly more detail about Patient A's April 13, 2013 visit to  
10 MDtoday when he was seen by Respondent. Respondent's electronic  
11 signature appears on the amended chart note. Significantly, there is no  
12 additional information documented in the amended note explaining the  
13 reason for the late entry.

14 10. Respondent committed repeated negligent acts in her care and treatment of Patient A,  
15 which included, but was not limited to, the following:

- 16 (a) Respondent failed to have Patient A's vital signs taken on April 13, 2013;  
17 (b) Respondent failed to assess Patient A for diabetes on April 13, 2013; and  
18 (c) Respondent failed to document in the June 25, 2013, chart note any  
19 additional information explaining the reason for the late entry.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Failure to Maintain Adequate and Accurate Medical Records)**

22 11. Respondent has further subjected her Physician's and Surgeon's Certificate No.  
23 A81155 to disciplinary action under sections 2227 and 2234, as defined in section 2266, of the  
24 Code, in that Respondent failed to maintain adequate and accurate records in connection with her  
25 care and treatment of Patient A, as more particularly alleged hereinafter:

26 12. **Patient A**

- 27 (a) Paragraphs 9 and 10, above, are hereby incorporated by reference and  
28 realleged as if fully set forth herein.

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